

DUMONT JOINT LAND USE BOARD MINUTES FOR JANUARY 28, 2014 MEETING

MINUTES

Flag Salute

SESSION: This is a meeting of the Joint Land Use Board, of the Borough of Dumont, held in the Council Chambers.

**January 28, 2014
7:30 PM**

SUNSHINE LAW: This meeting is a regularly scheduled meeting of the Joint Land Use Board, of The Borough of Dumont, held in the Council Chambers on January 28, 2014. The date, time, and location were established by the resolution of the Board. A copy of the resolution was forwarded to *The Record*, the *Ridgewood News*, and posted in the Borough Hall of the Borough of Dumont. All notice requirements of the Open Public Meetings Act of the State of New Jersey have been fulfilled.

ROLL CALL:

Thomas Trank	P	Michael Affrunti	P	Councilman Matthew Hayes	A
Michael Worner	A	Timothy Hickey	P	Elmer Pacia	P
William Goodman	A	Barbara Chen	P	Michael Cremin Alt # 1	P
Alfred Moriarty Alt # 2	P	Janet Masio Alt # 3	P	Mynor Frank Lopez Alt # 4	P
Chairman William Bochicchio	P				

Others: Board Attorney – Mark D. Madaio, Esq.: Mark Madaio-P
Board Engineer – Boswell Engineering: James Fordham-P
Board Planner – Neglia Engineering: Dan Kaufman-A
Board Clerk - Rosalia Bob-P

BUSINESS: Swearing in of Re-appointed Joint Land Use Board Members:
Thomas Trank, Janet Masio & Mynor Frank Lopez

The borough's mayor, Mayor Jim Kelly swears in the reappointed members, Thomas Trank, Janet Masio & Mynor Frank Lopez. They all take the Oath of Allegiance and are notarized by the board attorney, Mark Madaio.

BUSINESS: Reorganization of Joint Land Use Board

**Nomination for William Bochicchio as Chairman: Timothy Hickey
2nd by: Elmer Pacia**

ROLL CALL:

Thomas Trank	Y	Michael Affrunti	Y	Councilman Matthew Hayes	NA
Michael Worner	NA	Timothy Hickey	Y	Elmer Pacia	Y
William Goodman	NA	Barbara Chen	Y	Michael Cremin Alt # 1	Y
Alfred Moriarty Alt # 2	Y	Janet Masio Alt # 3	Y	Mynor Frank Lopez Alt # 4	Y
Chairman William Bochicchio	A				

- Chairman William Bochicchio is voted in as the JLUB Chairman

Nomination for Timothy Hickey as Vice Chairman: Michael Affrunti
2nd by: Thomas Trank

ROLL CALL:

Thomas Trank	Y	Michael Affrunti	Y	Councilman Matthew Hayes	NA
Michael Worner	NA	Timothy Hickey	A	Elmer Pacia	Y
William Goodman	NA	Barbara Chen	Y	Michael Cremin Alt # 1	Y
Alfred Moriarty Alt # 2	Y	Janet Masio Alt # 3	Y	Mynor Frank Lopez Alt # 4	Y
Chairman William Bochicchio	Y				

- Timothy Hickey is voted in as the JLUB Vice Chairman

Nomination for Thomas Trank as Secretary: Michael Affrunti
2nd by: Michael Cremin

ROLL CALL:

Thomas Trank	A	Michael Affrunti	Y	Councilman Matthew Hayes	NA
Michael Worner	NA	Timothy Hickey	Y	Elmer Pacia	Y
William Goodman	NA	Barbara Chen	Y	Michael Cremin Alt # 1	Y
Alfred Moriarty Alt # 2	Y	Janet Masio Alt # 3	Y	Mynor Frank Lopez Alt # 4	Y
Chairman William Bochicchio	Y				

- Thomas Trank is voted in as the JLUB Secretary

BUSINESS: Review and Approval of Business Professional Invoices

Chairman William Bochicchio states that he will stop by the Building Department to review and sign off on any professional invoices.

BUSINESS: Approval of November 2013 and December Special Meeting 2013 Minutes

Chairman William Bochicchio states that he will table this item till the following month's meeting.

BUSINESS: Discussion and Approval of Board Member RFQ Review Committee

BUSINESS: Discussion of Findings from Board Member RFQ Review Committee

BUSINESS: Review and Approval of all Business Professional RFQ's

The chairman of the RFQ review committee, Thomas Trank gives a detailed overview to the board members of all the individual professionals that applied for each position and summarizes his recommendations to the board members. Chairman William Bochicchio calls for a motion from the board.

Motion for Board Attorney, Mark Madaio: Thomas Trank

2nd by: Timothy Hickey

ROLL CALL:

Thomas Trank	Y	Michael Affrunti	Y	Councilman Matthew Hayes	NA
Michael Worner	NA	Timothy Hickey	Y	Elmer Pacia	Y
William Goodman	NA	Barbara Chen	Y	Michael Cremin Alt # 1	Y
Alfred Moriarty Alt # 2	Y	Janet Masio Alt # 3	Y	Mynor Frank Lopez Alt # 4	Y
Chairman William Bochicchio	Y				

- Mark Madaio is voted in as the JLUB Attorney.

Motion for Board Engineer, Boswell Engineering: Thomas Trank

2nd by: Timothy Hickey

ROLL CALL:

Thomas Trank	Y	Michael Affrunti	Y	Councilman Matthew Hayes	NA
Michael Worner	NA	Timothy Hickey	Y	Elmer Pacia	Y
William Goodman	NA	Barbara Chen	Y	Michael Cremin Alt # 1	Y
Alfred Moriarty Alt # 2	Y	Janet Masio Alt # 3	Y	Mynor Frank Lopez Alt # 4	Y
Chairman William Bochicchio	Y				

- Boswell Engineering is voted in as the JLUB Engineer

Motion for Board Planner, Maser Consulting: Thomas Trank

2nd by: Timothy Hickey

ROLL CALL:

Thomas Trank	Y	Michael Affrunti	Y	Councilman Matthew Hayes	NA
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Michael Worner	NA	Timothy Hickey	Y	Elmer Pacia	Y
William Goodman	NA	Barbara Chen	Y	Michael Cremin Alt # 1	Y
Alfred Moriarty Alt # 2	Y	Janet Masio Alt # 3	Y	Mynor Frank Lopez Alt # 4	Y
Chairman William Bochicchio	Y				

- Maser Consulting is voted in as the JLUB Planner

Motion for Board Clerk, Rosalia Bob: Timothy Hickey
2nd by: Barbara Chen

ROLL CALL:

Thomas Trank	Y	Michael Affrunti	Y	Councilman Matthew Hayes	NA
Michael Worner	NA	Timothy Hickey	Y	Elmer Pacia	Y
William Goodman	NA	Barbara Chen	Y	Michael Cremin Alt # 1	Y
Alfred Moriarty Alt # 2	Y	Janet Masio Alt # 3	Y	Mynor Frank Lopez Alt # 4	Y
Chairman William Bochicchio	Y				

- Rosalia Bob is voted in as the JLUB Clerk

BUSINESS: Discussion and Approval of the 2013 Joint Land Use Board Annual Report

The board attorney Mark Madaio explains that the annual report is an accounting of what the board had done the previous year. It summarizes any and all applications heard and the report gets forwarded to the Mayor and Council for them to review the board's activities. Timothy Hickey commends Mark Madaio for the summation of applications within the document. He states the details are commendable.

Motion to Approve: Thomas Trank
 2nd by: Michael Affrunti

Chairman William Bochicchio calls for an affirmative from the members and all are in favor.

RESOLUTION: 13-04 Dulles Drive Dumont Terrace Apartments, Inc.

Mark Madaio gives a summation of the application for Dumont Terrace Apartments. He explains that this application was to approval additional parking spaces for an existing approved parking project.

Motion to Approve: Timothy Hickey
 2nd by: Michael Affrunti

ROLL CALL:

Thomas Trank	Y	Michael Affrunti	Y	Councilman Matthew Hayes	NA
Michael Worner	NA	Timothy Hickey	Y	Elmer Pacia	A
William Goodman	NA	Barbara Chen	Y	Michael Cremin Alt # 1	Y
Alfred Moriarty Alt # 2	Y	Janet Masio Alt # 3	Y	Mynor Frank Lopez Alt # 4	Y
Chairman William Bochicchio	A				

FORMAL: 14-01 Veterans Plaza/Roosevelt Avenue PSE&G

Block - 822, Lot – 5

Amended Substation Reinforcement Project and Site Plan Approval

The attorney for PSE&G, Ana Murteira begins by explaining that they are back before the board because of minor site changes that yielded them to need a new site plan approval. She states that in the original application they were granted a variance for a building size of 38 feet 7 inches and a lightning rod on top of the building which included with the building gave a height of 59 feet. She explains that the equipment has already gotten vender approval and the equipment led them to needing to make building modifications to accommodate the size of the equipment. She details the new building height has been raise to 42 feet and 1 inch and they reduced the size of the lightning rod on top to give a total building height of 45 feet 1 inch. She explains that the changes ended up reducing the total height of the structure. She states the other changes that were made were to the emergency stairwell which will now be completely enclosed and a capacitor bank in the front of the building that will be moved to the rear of the building.

The attorney presents their first witness, Robert Jordan who is the electrical engineer for the site. He details that the site is getting a 69K upgrade and a new 69K capacitor bank. They present into evidence as A1 the building site plan. He explains that the building increased 3 ½ feet in height to being 42 feet and 1 inch and the lightning rod reduced in height by 3 feet making the total height 45 feet and 1 inch. He states that the building expanded in width and they moved the capacitor bank to the rear of the building and the staircase will now be enclosed. Chairman William Bochicchio asks about the finish of the building and Barbara Chen asks if the retaining wall is being removed. Ms. Murteira states that the planner can give testimony to those items. Mark Madaio asks for clarification on who is testifying for which portion of the application.

The attorney presents their next witness, Jennifer Beahm who is the planner for the project. She states that the last time the application was before the board was to expand the substation to better facilitate the area. She explains that when the equipment was specked out, the equipment dictated that the building had to be enlarged to accommodate it. She details that the enlargement goes back towards the railroad tracks to minimize the conflict with the underground work and neighbors. She explains that they need a 3 ½ feet side yard variance for the stairwell enclosure. She states that the building height change gave the potential of adding basement windows and the capacitor bank re-location allowed them to improve the look of the building. She details that the isolation walls will

be moved to the front to visually screen the equipment. Chairman William Bochicchio asks if they could extend the sidewalk over to the high school property and if in their talks with the Board of Ed, if it was agreed to move the fence would they then add the sidewalk. Ms. Beahm states that the fence is a foot off the pavement in an area where the school uses the field and that there is no room to add a 4 foot sidewalk and they are unaware if the Board of Ed will move the fence. She states that they will include this in their Board of Ed talks but that Board of Ed will have to be responsible to move the fence. Chairman William Bochicchio states that he went over to the Bergenfield site and liked the brick look of that building and asked if they can modify the building for that same look. Ms. Beahm states that the Bergenfield site is much larger and this proposed building has underground conduits. She states that a masonry building affects the size of the foundation due to its weight load and increasing the foundation at this site would affect the underground conduits. They present into evidence as A2 the site floor plan and A3 a colored rendering of the underground conduits. She explains that they changed the façade with adding windows and modified treatments. She states that they can choose more pleasing colors for the façade and can alter it with more modified material but they cannot do any type of masonry façade because they need to stay within their foundations limits. She details the conduit lines and shows that they come extremely close to the exterior foundations and changing the foundation would affect those conduits. She states that they can look at other aesthetically pleasing material as long as the building load is not increased. She explains that the retaining wall was removed from the site because when they relooked at the grading of the property, it was not needed. Thomas Trank asks about any reinforcement ideas if a train goes off the tracks. Ms. Beahm states that she is unsure of reinforcements that would protect the building from a train derailment. The board's engineer, Jim Fordham asks if they have an architect testifying to the building material and if the draining calculation can be updated for this application. Ms. Beahm states that since it's a spec building there is no architect and that they will update the drainage calculations.

Chairman William Bochicchio opens and closes the hearing to the public

Mark Madaio gives a summation of the variances needed for the project. Chairman William Bochicchio asks about adding the sidewalk condition; the building aesthetic surface condition within the construction constraints and that the building surface material be approved by the board's engineer. Mark Madaio states that the conditions will be added. Chairman William Bochicchio calls for a motion from the board.

Motion to Approve: Michael Affrunti

2nd by: Timothy Hickey

ROLL CALL:

Thomas Trank	Y	Michael Affrunti	Y	Councilman Matthew Hayes	NA
Michael Worner	NA	Timothy Hickey	Y	Elmer Pacia	Y
William Goodman	NA	Barbara Chen	Y	Michael Cremin Alt # 1	Y
Alfred Moriarty Alt # 2	Y	Janet Masio Alt # 3	NA	Mynor Frank Lopez Alt # 4	NA
Chairman William Bochicchio	Y				

FORMAL: 14-02 84 Lafayette Avenue Dean Builders, Inc.
Block - 708, Lot – 27
Minor Subdivision and Site Plan Approval

The attorney for the application, Michael Kates begins by explaining that they are before the board with a subdivision application. He briefly describes the lot and explains that the owners of the property have issued a letter that the subdivision application is being handled by the company looking to purchase the property.

The attorney calls his first witness, Jerry Dean who is the president of Dean Builders. He states that he is the contract purchaser of the lot but if the subdivision does not get granted, he will not be purchasing the property. He explains that he is looking to subdivide the lot and build two new single family homes. He states that the two lots adjacent to this property are 45 foot width lots. They place into evidence as A1 photos of types of houses that would be built on the two lots. He explains that the photographs are not the exact houses but a basic outside shape that he would build.

The attorney calls his second witness, Bruce Rigg who is the engineer for the project. They place into evidence as A2 a site layout, A3 an area map of the subdivision plot and A4 a topo map of site. He states that the existing lot is 80x80 and that the applicant is looking to subdivide into two 40x80 lots. He states that the lots would be 3,200 square feet and would conform to majority of the bulk requirements except for the front yard setback because they are looking to have the front of the houses conform to the frontages of the houses within the neighborhood. He explains that they are complying with the borough's height, lot coverage, green space and FAR codes. He states that the applicant agrees to all the board engineer's notes. He details that the only variances they need for the site is for front yard setbacks in order to align the houses and lot depth & width for the subdivision. He details that the two houses will both be four bedrooms with a two car garage.

Chairman William Bochicchio opens the hearing to the public.

Nancy Peckio at 99 Lincoln Avenue states that she is right behind this property and the two new houses will block her view and she is concerned for water issues. She asks how far back will the houses be from her fence and how will they handle the water. Mr. Rig

states that the rear yard will be 25 feet and that they are proposing drywells on the properties to catch storm water runoff. The board engineer asks what trees are being removed on the site. Mr. Rig states that no trees are proposed to be removed.

Chairman William Bochicchio closes the hearing to the public

The attorney calls his next witness, Joe Burgis who is the planner for the project. He states that they conducted a surrounding developer's plan within a 500 foot perimeter from the site. They place into evidence as A5 a lot width analysis and A6 a lot size analysis. He details the color coding of the two analysis studies. He explains that $\frac{3}{4}$ of the lots within that radius do not comply with the code and out of the 28 lots just located on Lafayette Avenue, only 7 lots comply with the code for lot width and only 5 lots comply with the code for lot size. He states that the proposed subdivision is generally consistent with the neighborhood so that deems the subdivision as being beneficial. They place into evidence as A7 a photo of the former existing dwelling and A8 a photo showing the garage that still exists on the lot. He explains that he reviewed the borough's master plan and this project maintains the principle of single family homes; it doesn't represent overcrowding and is more in line with the neighborhood.

Chairman William Bochicchio opens the hearing to the public.

Peter Cookly, owner of a house on Ontario Street, gives a statement that he wants a yard for children, space, trees and doesn't feel the subdivision is appropriate. He states that he doesn't want two houses and the variances needed are not minimal. Mr. Burgis states that MLUL suggest otherwise and the courts have upheld notions for future development. Don Baker at 72 Lafayette Avenue asks how many other lots could be eligible to subdivide. Mr. Burgis states that 2 lots by Morton Avenue are still 80 foot lots and could potentially be a subdivision application. They place into evidence as A9 an aerial map of the area. Nancy Peckio at 99 Lincoln Avenue states that there is a water problem in that area and additionally the town did not allow her lot to be subdivided back in 1966.

Chairman William Bochicchio closes the hearing to the public

The attorney for the application states his summation that the subdivision is an advantage in creating single family homes and the area will benefit due to the site containing its own drainage within the lot itself. Chairman William Bochicchio asks if they are only approving a subdivision or the houses as well to go on the lot. Mark Madaio states that 1 & 2 family homes are exempt from site plan for the houses themselves. He states that if they are proven that there are no variances needed for construction then all the applicant needs to do is submit building permits. He explains that site plan is not required for a subdivision for this type and the condition that should be met is that of zero runoff from the site. Chairman William Bochicchio states that he has a concern about landscaping

and could there be a condition that the board engineer approves landscaping details.
Chairman William Bochicchio calls for a motion from the board.

Motion to Deny: Timothy Hickey
2nd by: Thomas Trank

ROLL CALL:

Thomas Trank	Y	Michael Affrunti	A	Councilman Matthew Hayes	NA
Michael Worner	NA	Timothy Hickey	Y	Elmer Pacia	Y
William Goodman	NA	Barbara Chen	Y	Michael Cremin Alt # 1	Y
Alfred Moriarty Alt # 2	Y	Janet Masio Alt # 3	NA	Mynor Frank Lopez Alt # 4	NA
Chairman William Bochicchio	Y				

Chairman William Bochicchio calls for the meeting to adjourn
All in Favor

Minutes respectfully submitted by:
Rosalia Bob
Joint Land Use Board Clerk